

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

MICHAEL D. BURCH and THE
BANKRUPTCY ESTATE OF MICHAEL
D. BURCH,

NO. CIV. S-04-0038 WBS GGH

Plaintiffs,

v.

ORDER RE: EVIDENTIARY
OBJECTIONS

REGENTS OF THE UNIVERSITY OF
CALIFORNIA, LARRY VANDERHOEF,
GREG WARZECKA, PAM GILL-
FISHER, ROBERT FRANKS, and
LAWRENCE SWANSON,

Defendants.

-----oo0oo-----

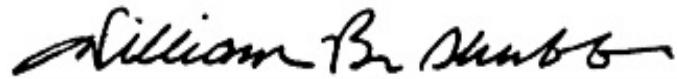
Before the court is defendants' motions for summary judgment. On April 24, 2006, defendants filed approximately 120 objections to statements in the declarations of Michael Burch, Richard Seyman, Michael Maben, Charlie Hong, David Amato, and Earl Walker, Jr. (submitted in opposition to defendants' motions) and moved to strike the portions of these declarations to which they objected. Defendants' objections are made primarily on the grounds that the statements at issue constitute hearsay,

1 contradict the declarant's deposition testimony, or are vague,
2 conclusory, lacking in foundation, argumentative, and/or
3 speculative. In addition and more generally, defendants move to
4 strike these declarations in their entirety because they are
5 unsworn.

6 To rule on defendants' motions for summary judgment,
7 the court must first decide these objections. Moreover, because
8 of the volume of objections and their detail, the court would
9 benefit from a full briefing of the issues raised.¹ Accordingly,
10 plaintiffs are given 10 days from the date of this order to file
11 a response to defendants' objections and/or amended declarations
12 that cure the objections. Defendants have 5 days thereafter to
13 file a response, if necessary. The hearing on the motions for
14 summary judgment is hereby rescheduled for Tuesday, May 30, 2006,
15 at 1:30 p.m. in Courtroom 5.

16 IT IS SO ORDERED.

17 DATED: April 25, 2006

18
19 
20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE
22
23
24

25 ¹ One of the questions which the parties might consider
26 addressing in their briefs is whether it would be a more
27 efficient and economical use of the court's time simply to
28 proceed to trial and rule on the objections at that time rather
than to plow through all of them in the context of this motion
and then, if the motion is not granted in its entirety, face them
a second time at trial.